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VIRGINIA IN 1682.

(Abstracts by W. N. SAINSBURY, and Copies in the McDonald and De Jarnette Papers, Virginia State Library.)

COMMISSION TO LORD CULPEPER, GOVERNOR OF VIRGINIA.
(Continued)

To establish Courts of Judicature with advice of the Council and to appoint fit persons to administer the Oths of Allegiance & Supremacy to such as are to take the same.

To appoint Judges, Justices of the Peace Sheriffs & other officers and to administer the usual oaths to them.

17. And Wee do hereby give and grant unto you full power and authority with the advice and consent of the said Council to erect constitute and establish such and soe many Courts of Judicature and Publick Justice within Our said Colony and the Territories under your Government as you and they shall think fit and necessary for the hearing and determining of all causes as well Criminal as Civil according to Law and Equity and for awarding of Execution therupon with all reasonable and necessary Powers, Authorities, Fees and Privileges belonging unto them as also to appoint and Commissionate fit persons in the several parts of Our said Colonie to administer the Oaths of Allegiance and Supremacy unto such as shall be obliged to take the same.

18. And we do hereby grant unto you full power and Authority to constitute and appoint Judges and in cases requisite Commissioners of Oyer and Terminer Justices of the Peace Sheriffs and other necessary Officers and Ministers within Our said Colonie for the better administration of Justice and putting the Laws in execution. And to administer such Oath and Oaths as are usually given for the due execution and performance of Offices and places and for the clearning of truth in Judicial Causes.

To pardon
offences
fines &
forfeitures
Treason
and wilfull
Murder
excepted.

19. And Wee do hereby give and grant unto you full power and authority where you shall see cause and shall judge any offender or offenders in capital and criminal matters or for any Fines or forfeitures due unto Us fit objects of Our mercy to pardon and remit all such offenders, fines or forfeitures Treason and Wilful Murder only excepted, in which cases you shall likewise have power (or in your absence Our Lieutenant or Deputy Governor) upon extraord'ry occasions to grant Reprieves to the offenders therein until and to the intent Our pleasure may be further known.

To Collate
to Benefices.

20. And Wee do by these presents give and grant unto you full power and authority to collate any person or persons to any Chuches, Chappels or other Ecclesiastical Benefices within Our said Colonie as often as they shall happen to bee void.

To levy
& muster
the Inhabitants and
transfer
them to
any other
place.

21. And Wee do hereby give and grant unto you the said Thomas Lord Culpeper by Yourselfe your Captains and Commanders by you to bee authorized full power and Authority to Levy Arm Muster Command or employ all persons whatsoever residing within Our said Colonie and Dominion of Virginia and as occasion shall serve them to transfer them from one place to another for the resisting and withstanding of all Enemys, Pyrats and Rebels both at Land and Sea and to transport such forces to any of our Plantations in America as occasion shall require for the defence of the same against the Invasion or attempts of our Enemies.

To pursue
the Enemy
out of the
bounds of
the Colonie.

22. And them if occasion shall require to pursue and prosecute in or out of the limits of Our said Colonie and Plantations or any of the.

To treat
prisoners of
Warr accord-
ing to the
Law of Arms.
To execute
Martial Law
in time of
Warr with all
power
belonging
to a Capt'n
General.
To build
Citties
and
Forts &c.

With advice
of the Cormcil
to fortify and
provide them
with Stores.

To exercise
the Office
of Vice
Admirall
according
to Instruc-
tions from
the Lord
High
Admiral

23. And if it shall please God, them to vanquish apprehend and take and being taken, either according to the Law of arms to put to death or keep and preserve alive at your discretion.

24. And to excute Martial Law in time of Invasion, Insurrection or Warr and during the Continuance of the same. And to do and execute all and every other thing which to a Captain General doth or ought of might to belong, as fully and amply as any of Our Captain General doth or hath usually done.

25. And Wee do hereby give and grant unto you full power and Authority by and with the advice and consent of the said Cormcil to erect, raise and build within Our Colonie and Dominion aforesaid such and soe many Forts, Platforms, Castles, Citties, Boroughs, Towns and Fortifications as by the advice aforesaid, shall be judged necessary.

26. And the same or any of them to fortify and furnish with Ordnance Ammunition and all sorts of Arms fit and necessary for the security and defence of Our said Plantation. And by the Advice aforesaid the same again or any of them to demolish or dismantle as may bee most conveniunt.

27. And you are to exercise all Powers belonging to the place and Office of Vice Admiral of and in all the Seas and C asts about Yo^r Government according to such Commission, Authority and Instructions as you have or shall receive from Our Dearest Brother James Duke of York Our High Admiral of our Foreign Plantations or from Our High Admiral or Commissioners for executing the Office of Lord High Admiral of our Foreigne Plantations for the time being.

All public money to be issued by Warrant from the Gov^r with advice of the Cormcil

Power to dispose of Lands upon Suit-rents to pass under the Public Seal.

To Appoint Fairs, Markets &c.

To appoint Ports, Harbors &c. wth Officers relating thereunto.

28. And Our further Will and Pleasure is that all Publick Moneys raised or to be raised within Our said Colonie and Dominion bee issued out by Warrant from you (or any other person in your absence Commissionated by Us to be Commander in chiefe) and disposed of by you or such Governor in Chief for the support of the Government.

29. And Wee doe likewise give and grant unto you full power and authority by and with the advice and consent of the said Council to settle and agree with the Planters and Inhabitants of the said Colony and Dominion of Virginia concerning such Lands Tenaments and Hereditaments as now are or hereafter shall bee in your power to dispose and them to grant to any person or persons for such terms and under such moderate Quit Rents, Services and Acknowledgements to bee thereupon reserved unto Us as you (by and with the advice aforesaid) shall think fit. Which said Grants are to pass and bee Sealed by the Publick Seale of Virginia and (being entered upon Record by such Officer and Officers as you shall appoint thereunto) shall be good and effectual in Law against Us, Our Heirs & Successors.

30. And Wee give you full power to appoint Fairs, Marts and Markets according as you with the advice of the said Council shall think fit.

31. And We do hereby grant unto you full power and Authority to order and appoint within Our said Colonie such and soe many Ports, Harbours, Bays, Havens and other places for y^e convenience and security of Shipping and for the better loading and

unloading of Goods and Merchandizes in such and soe many places as by you with the advice and consent of the said Council shall bee thought fit and convenient. And in them or any of them to erect nominate and appoint Custom-houses Warehouses and Officers relating thereunto, and them to alter, change, place or displace from time to time as with the advice aforesaid shall bee thought fit.

Not to dispose of any Office now disposed of under the Great Seale of England further them to put in a person to officiate during a vacancy till the place be disposed of by the King. All Officers &c. to be obedient to Him.

32. And Our further Will and Pleasure is that you shall not at any time hereafter by Colour of any power or authority hereby granted or mentioned to bee granted take upon you to give, grant or dispose of any Office or Place within Our said Plantation of Virginia, which now are granted by us under the Great Seale of England, any further than that you may upon the vacancy of any such Office, put in any person to officiate in the intervall till the said place be disposed of by Us Our Heirs or Successors under the Great Seale of England.

33. And Wee doe hereby require and command all Officers and Ministers Civil and Military and all other Inhabitants of Our said Colonie and Dominion to be obedient ayding and Assisting unto you the said Thomas Lord Culpeper in the execution of this Our Commission and of the powers and Authorities therein contained. And in your absence to Our Lieutenant or Deputy Governor of Our said Colonie to whom Wee doe therefore by these presents give and grant during Our pleasure all and singular the powers and Authorities hereby granted or intended to bee granted granted to you the

said Thomas Lord Culpeper to bee by him exercised and enjoyed in case of your death or absence from that Our Colonie.

In case of
his death,
the Coun-
cil to exe-
cute this
Commis-
sion and
y^e first
Counsellor
to preside.

34. And in case you should happen to dye and there bee noe other person upon the Place Commissionated by Us to bee Commander in Chief Our Will and Pleasure is that the then Present Council of Virginia doe take upon them the Administration of the Govern^t and execute this Commission and y^e several Powers and Authorities herein contanied. And that such Counsellor who shall bee at the time of your death residing within Our Plantation of Virginia and nominated in Our Instrnctions, herewith given you before any other at that time residing there, doe preside in Our said Council with such powers and preeminences as any former President hath used and enjoyed within Our said Colonie, or any other Our Plantations in America until Our pleasure shall bee further known therein.

In case
of ab-
sence
the same.

35. And in case you shall bee absent from Our said Colonie and there bee noe other person upon the place Commissionated by Us to bee Commander in Chief, Our Will and Pleasure is that the said Council shall likewise take upon them the Administration of the Government in manner aforesaid untill you shall arrive at our said Plantation or untill Our Pleasure shall be known therein.

Nothing herein
contained to
prejudice y^e
Estate for life
of the said Offi-
ce granted to
him by Patent
dated 8th of
July 1675.

36. Provided that nothing herein contained nor any actings or proceedings hereupon shall be construed or taken to prepedice shorten or determine the estate for life of the said Office granted to you by Our abovesaid Letters Patents.

His Commis-
sion dated the
6th Dec. 1679
hereby deter-
mined.

Dated
27 Jan^y
1681.

37. And Wee do hereby further declare
Our Will and Pleasure to bee that Our Com-
mission bearing date the Sixth day of
December 1679, doe from henceforth cease,
determine and become utterly void.

And for soe doing this shall bee your Warr-
ant Given at Our Court at Whitehall the
27th day of January 1681 in the three and
and thirtieth yeare of Our Reigne.

C. R.

To our Attorney
Solicitor General.

By His Ma^{ties} Command

L Jenkins

In Witness whereof Wee have caused these
Our Letts to be made Patents, Witness Our
Selfe at Westm^r y^e 27th day of November in
34th year of Our Reigne.

By Writ of Privy Seale
Barker

A True Copy. Teste

J. W. GREENWOOD.